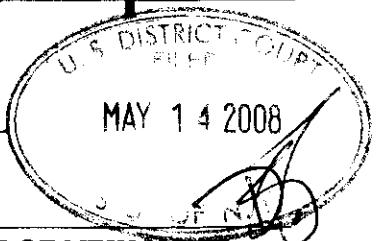


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKDocument # 45

USA
-v-
Motoo

U.S.C.A. # 08-1131U.S.D.C. # 07-cv-1229
07-cv-6054JUDGE: JGKDATE: MAY 14, 2008

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): THOMAS R. PISARCZYK
 FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
 ADDRESS: 500 PEARL STREET, ROOM 370
NEW YORK, NEW YORK 10007
 PHONE NO.: (212) 805 - 0636

DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION	DOC. #
<u>CLERK'S CERTIFICATE</u>	_____
<u>SEE ATTACHED LIST OF NUMBERED DOCUMENTS</u>	_____
<u>** ONLY CIRCLED DOCUMENTS ARE INCLUDED **</u>	_____
<u>** ALL OTHERS MISSING AT THIS TIME **</u>	_____

Original Record Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 14th Day of May, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USA

-V-

Mateo

U.S.C.A. # 68-1131
04-22-1225

U.S.D.C. # 07-001 6054

JUDGE: JFK

DATE: May 14, 2008

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered _____ Through _____, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

BALANCE OF FILE MISSING AT THIS TIME

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York,
this 14th Day of June In this year of our Lord, Two Thousand and Eight, and the Independence of
the United States this 232nd year.

J. Michael McMahon, Clerk

By

Deputy Clerk

APPEAL, CLOSED, ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-01229-JGK-1
Internal Use Only

Case title: USA v. Mateo
 Related Case: 1:07-cv-06054-JGK

Date Filed: 11/18/2004
 Date Terminated: 08/31/2006

Date Filed	#	Docket Text
11/18/2004	1	SEALED INDICTMENT as to Sealed Defendant 1 (1) count(s) 1. (jm,) (Entered: 06/29/2005)
06/28/2005	2	Order to Unseal Indictment as to Sealed Defendant 1. (Signed by Judge Kevin Nathaniel Fox on 6/28/05)(jm,) (Entered: 06/29/2005)
06/28/2005		INDICTMENT UNSEALED as to Guillermo Mateo.(jm,) (Entered: 06/29/2005)
06/28/2005		Case Designated ECF as to Guillermo Mateo.(jm,) (Entered: 06/29/2005)
06/29/2005		Arrest of Guillermo Mateo. (kwi,) (Entered: 07/05/2005)
06/29/2005		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox :Initial Appearance as to Guillermo Mateo held on 6/29/2005. Defendant present with CJA Richard Palma, Spanish Interp. and AUSA Elie Honig for the government. Detention without prejudice. (kwi,) Modified on 7/7/2005 (kwi,). (Entered: 07/05/2005)
06/29/2005		Minute Entry for proceedings held before Judge Kevin Nathaniel Fox : As to Guillermo Mateo Pretrial Conference set for 7/7/2005 04:00 PM before Judge John G. Koeltl. (kwi,) (Entered: 07/05/2005)
06/29/2005	5	MEDICAL ATTENTION ORDER as to Guillermo Mateo (Signed by Judge Kevin Nathaniel Fox on 6/29/05)(vb,) (Entered: 07/06/2005)
06/29/2005	7	CJA 20 as to Guillermo Mateo: Appointment of Attorney Richard Palma for Guillermo Mateo.. (Signed by Judge Kevin Nathaniel Fox on 6/29/05) The CJA Office has mailed the original to the attorney and sent a copy to the case file.(pa,) (Entered: 08/02/2005)
07/07/2005		Minute Entry for proceedings held before Judge John G. Koeltl :Arraignment as to Guillermo Mateo (1) Count 1 held on 7/7/2005. Deft. present w/atty. Jorge Gutlein & AUSA Elie Honig.Deft. cont'd detained. (Court Reporter Karen Gorloski & spanish interpreter Elizabeth Caruso) (pr,) (Entered: 07/21/2005)
07/07/2005		Minute Entry for proceedings held before Judge John G. Koeltl : Plea entered by Guillermo Mateo (1) Count 1 Not Guilty. (pr,) (Entered: 07/21/2005)
07/07/2005		ORAL ORDER as to Guillermo Mateo PTC adj. to 9/1/05 @ 4:30 PM. (ORDERED by Judge John G. Koeltl on 7/7/05)(pr,) (Entered: 07/21/2005)
07/07/2005		Set/Reset Hearings as to Guillermo Mateo: Pretrial Conference set for 9/1/2005 04:30 PM before Judge John G. Koeltl..(pr,) (Entered: 07/21/2005)
07/07/2005		ORAL ORDER as to Guillermo Mateo Time excluded from 7/7/05 until 9/1/05.. (Ordered by Judge John G. Koeltl on 7/7/05)(pr,) (Entered: 07/21/2005)
07/08/2005	6	SPEEDY TRIAL ORDER as to Guillermo Mateo. The parties are directed to appear for a conference on Thursday, 9/1/05 at 4:30 p.m. before the Honorable John G. Koeltl. The Court prospectively excludes the time from today until 9/1/05 in calculating the speedy trial date under 18 U.S.C. 3161. (Signed by Judge John G. Koeltl on 7/7/05)(bw,) (Entered: 07/11/2005)
08/03/2005	8	NOTICE OF ATTORNEY APPEARANCE: Jorge De Jesus Gutlein appearing for Guillermo Mateo. (pr,) (Entered: 08/11/2005)
09/01/2005	9	SPEEDY TRIAL ORDER as to Guillermo Mateo. The parties are directed to appear for a conference on 10/6/05 at 4:30 p.m. The Court prospectively excludes the time from today, 9/1/05, until 10/6/05 from Speedy Trial Act calculations. This Order is entered pursuant to 18 U.S.C. Section 3161(h)(8)(A). (Signed by Judge John G. Koeltl on 9/1/05)(bw,) (Entered: 09/19/2005)
09/01/2005		Minute Entry for proceedings held before Judge John G. Koeltl :Pretrial Conference as to Guillermo Mateo held on 9/1/2005 Deft. pres. w/atty Jorge Gutlein & AUSA Elie Honig spanish interpreter Perer Anderson.Next cont. 10/6/05 @ 4:30 PM. Time excluded 9/1/05 to 10/6/05.. Deft. cont'd detained.(Court Reporter Steven Greenblum) (pr,) (Entered: 11/17/2005)
09/01/2005		ORAL ORDER as to Guillermo Mateo. Pretrial Conference adjourned to 10/6/2005 04:30 PM before Judge John G. Koeltl..(by Judge John G. Koeltl on 9/1/05)(pr,) (Entered: 11/17/2005)
09/01/2005		ORAL ORDER as to Guillermo Mateo Time excluded from 9/1/05 until 10/6/05.(by Judge John G. Koeltl on 9/1/05)(pr,) (Entered: 11/17/2005)
11/01/2005	10	SPEEDY TRIAL ORDER as to Guillermo Mateo. The parties are directed to appear for a conference on Tuesday, 11/1/05 at 4:30 p.m. before the Honorable John G. Koeltl. The Court prospectively excludes the time from today until 11/1/05 in calculating the speedy trial date under 18 U.S.C. 3161. (Signed by Judge John G. Koeltl on 10/6/05)(bw,) (Entered: 11/02/2005)
11/01/2005	11	SPEEDY TRIAL ORDER as to Guillermo Mateo. The parties are directed to appear for a conference on 12/9/05 at 3:00 p.m. The Court prospectively excludes the time from today, 11/1/05, until 12/9/05 from Speedy Trial Act calculations. (Signed by Judge John G. Koeltl on 11/1/05)(bw,) (Entered: 11/02/2005)
12/12/2005	12	ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT as to Guillermo Mateo. Time excluded from 12/8/05 until 1/9/06. The parties are directed to appear for a conference on 1/9/06 at 4:30 p.m. (Signed by Judge John G. Koeltl on 12/8/05)(kw,) (Entered: 12/13/2005)
12/12/2005		Set/Reset Hearings as to Guillermo Mateo: Pretrial Conference set for 1/9/2006 at 04:30 PM before Judge John G. Koeltl.(kw,) (Entered: 12/13/2005)

01/09/2006	<u>13</u> SPEEDY TRIAL ORDER as to Guillermo Mateo. The parties are directed to appear for a conference on 2/17/06 at 10:30 a.m. The Court prospectively excludes the time from today, 1/9/06, until 2/17/06 from Speedy Trial Act calculations. This Order is entered pursuant to 18 U.S.C. Section 3161(h)(8)(A). (Signed by Judge John G. Koeltl on 1/9/06)(bw,) (Entered: 01/10/2006)
01/09/2006	Minute Entry for proceedings held before Judge John G. Koeltl :Pretrial Conference as to Guillermo Mateo held on 1/9/2006. Deft. pres. with atty Andres Aranda. AUSA Elie Honig, reporter Denise Richards. Spanish Interpreter Walter Krochmal. Aranda & Guttlein replaced by Joyce London for all purposes. Pretrial conference. Adjourned to 2/17/2006 at 10:30am. Time excluded from 1/9/2006 - 2/17/2006. Deft cont'd detained. (jar,) (Entered: 01/18/2006)
01/09/2006	<u>16</u> CJA 20 as to Guillermo Mateo: Appointment of Attorney Joyce London for Guillermo Mateo.. (Signed by Judge John G. Koeltl on 1/23/06) CJA Office has mailed original; Copy file.(kwi,) (Entered: 01/27/2006)
01/10/2006	<u>14</u> NOTICE OF ATTORNEY APPEARANCE: Joyce C. London appearing for Guillermo Mateo. (bw,) (Entered: 01/11/2006)
01/10/2006	<u>15</u> ORDER as to Guillermo Mateo. It is hereby ordered that Joyce C. London, Esq. be appointed under the Criminal Justice Act to represent the above-named deft for all purposes, replacing retained counsel from Aranda & Guttlein. (Signed by Judge John G. Koeltl on 1/9/06)(bw,) (Entered: 01/11/2006)
01/10/2006	Attorney update in case as to Guillermo Mateo. Attorney Jorge De Jesus Guttlein terminated.(bw,) (Entered: 01/11/2006)
02/17/2006	<u>17</u> ORDER as to Guillermo Mateo. The parties are directed to appear for a conference on 3/21/06 at 4:30 p.m. The Court prospectively excludes the time from today, 2/17/06, until 3/21/06 from Speedy Trial Act calculations. This Order is entered pursuant to 18 U.S.C. Section 3161(h)(8)(A). (Signed by Judge John G. Koeltl on 2/17/06)(bw,) (Entered: 02/17/2006)
02/17/2006	Set/Reset Hearings as to Guillermo Mateo: Pretrial Conference set for 3/21/2006 04:30 PM before Judge John G. Koeltl.(bw,) (Entered: 02/17/2006)
02/17/2006	Minute Entry for proceedings held before Judge John G. Koeltl :Pretrial Conference as to Guillermo Mateo held on 2/17/2006 deft. pres. w/atty Joyce London & AUSA Elie Honig. Conf. adj. to 3/21/06 @ 4:30 PM. Time excluded from 2/17/06 to 3/21/06. Deft. cont'd detained.(Court Reporter Sandra Miaskoff spanish interpreter Matilda DiFerrari) (pr,) (Entered: 03/16/2006)
02/17/2006	ORAL ORDER as to Guillermo Mateo. Pretrial Conference set for 3/21/2006 04:30 PM before Judge John G. Koeltl..(by Judge John G. Koeltl on 2/17/06)(pr,) (Entered: 03/16/2006)
02/17/2006	ORAL ORDER as to Guillermo Mateo Time excluded from 2/17/06 until 3/21/06.(by Judge John G. Koeltl on 2/17/06)(pr,) (Entered: 03/16/2006)
03/21/2006	Minute Entry for proceedings held before Judge John G. Koeltl :Pretrial Conference as to Guillermo Mateo held on 3/21/2006. Deft present with atty Joyce London. AUSA Elie Honig, Reporter Steve Greenblum, Spanish Interpreter Walter Krochmal, all are present. Pretrial conference held. Adjourned to 4/27/2006 at 4:30p.m. Time excluded from 3/21/2006 to 4/27/2006. Deft continued detained. (jar,) (Entered: 03/29/2006)
03/22/2006	<u>18</u> SPEEDY TRIAL ORDER as to Guillermo Mateo. The parties are directed to appear for a conference on 4/27/06 at 4:30 p.m.... The Court prospectively excludes the time from today, 3/21/06, until 4/27/06, from Speedy Trial Act calculations. This Order is entered pursuant to 18 U.S.C. Section 3161(h)(8)(A). (Signed by Judge John G. Koeltl on 3/21/06)(bw,) (Entered: 03/22/2006)
03/22/2006	Set/Reset Hearings as to Guillermo Mateo: Pretrial Conference set for 4/27/2006 04:30 PM before Judge John G. Koeltl.(bw,) (Entered: 03/22/2006)
04/27/2006	<u>19</u> SPEEDY TRIAL ORDER as to Guillermo Mateo.PARTIES are directed to appear for a conference on Friday 5/19/06 @ 10:30 AM. Court excludes the time from today until 5/19/06 as indicated. So Ordered . (Signed by Judge John G. Koeltl on 4/27/06)(pr,) (Entered: 04/28/2006)
04/27/2006	Set/Reset Hearings as to Guillermo Mateo: Pretrial Conference set for 5/19/2006 10:30 AM before Judge John G. Koeltl..(pr,) (Entered: 04/28/2006)
05/19/2006	Minute Entry for proceedings held before Judge John G. Koeltl :Arraignment as to Guillermo Mateo (1) Count 1 held on 5/19/2006. Deft. pres. w/atty Joyce London, AUSA Elie Honig pres. Deft. pleads guilty to 1 count indictment. Sentence date 8/25/06, PSI ordered. Deft. cont'd detained. (Court Reporter Steven Griffing, interpreter David Mintz) (pr,) (Entered: 05/22/2006)
05/19/2006	Minute Entry for proceedings held before Judge John G. Koeltl : Plea entered by Guillermo Mateo (1) Guilty as to Count 1. (pr,) (Entered: 05/22/2006)
05/19/2006	ORDER FOR PRE-SENTENCE INVESTIGATION REPORT as to Guillermo Mateo(by Judge John G. Koeltl on 5/19/06)(pr,) (Entered: 05/22/2006)
05/19/2006	ORAL ORDER as to Guillermo Mateo. Sentencing set for 8/25/2006 09:30 PM before Judge John G. Koeltl..(by Judge John G. Koeltl on 5/19/06)(pr,) (Entered: 05/22/2006)
06/26/2006	<u>20</u> TRANSCRIPT of Proceedings as to Guillermo Mateo held on 5/19/06 before Judge John G. Koeltl. (tro,) (Entered: 06/26/2006)
08/21/2006	<u>21</u> SENTENCING MEMORANDUM by Guillermo Mateo. (Attachments: # <u>1</u> Exhibit Defendant's Letter re: Jail Conditions)(London, Joyce) (Entered: 08/21/2006)
08/25/2006	Minute Entry for proceedings held before Judge John G. Koeltl :Sentencing held on 8/25/2006 for Guillermo Mateo (1) Count 1. [See Judgment filed on 8/31/06] (bw,) (Entered: 08/31/2006)
08/31/2006	<u>22</u> JUDGMENT in A Criminal Case. Defendant's Attorney: Joyce C. London. Defendant Guillermo Mateo (1) pleaded guilty to Count(s) 1 of the Indictment. Imprisonment: 87 months. The court makes the following recommendations to the Bureau of Prisons: That the defendant be incarcerated at FCI Ft. Dix, NJ, or alternatively, in the New York area, so that he can be close to his family. Supervised Release: 3 years. The defendant shall obey all immigration laws and follow the directives of the immigration authorities. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. Additional Supervised Release Terms (see p.3a of judgment). Assessment: \$100.00. The special assessment shall be due immediately. (Signed by Judge John G. Koeltl on 8/29/06)(bw,) (Entered: 08/31/2006)
08/31/2006	Judgment entered in money judgment book as #06,1945 as to Guillermo Mateo in the amount of \$ 100.00, re: <u>22</u> Judgment. (dt,) (Entered: 09/06/2006)
11/06/2006	<u>23</u> Judgment Returned Executed for <u>22</u> Judgment as to Guillermo Mateo on 10/19/2006. Defendant committed to MVCC. (jar,) (Entered: 11/07/2006)
01/18/2007	Payment of Fine from Guillermo Mateo in the amount of \$100.00. Date Received: 1/18/07. (mn) (Entered: 01/18/2007)

04/17/2007	25	TRANSCRIPT of Proceedings as to Guillermo Mateo held on 9/25/06 before Judge John G. Koeltl. (jbe) (Entered: 04/17/2007)
06/04/2007	26	MOTION to Amend Defendant's Presentence Investigation Report pursuant to Fed. R. Crim. Proc. 36. Document filed by Guillermo Mateo. Dated 5/30/07. (bw) (Entered: 06/07/2007)
06/12/2007	27	ORDER as to Guillermo Mateo, as to Guillermo Mateo; Deft Replies due by 7/13/2007. Government Responses due by 6/29/2007. The Court has received a motion from the deft filed on June 4, 2007 which seeks to amend his pre-sentence report. The Government should respond by June 29, 2007. The deft may reply by July 13, 2007. (Signed by Judge John G. Koeltl on 6/11/07)(jw) (Entered: 06/12/2007)
06/12/2007	28	ENDORSED LETTER as to Guillermo Mateo addressed to Judge Koeltl from Elie Honig dated 6/12/07 re: Reschedule Briefing., as to Guillermo Mateo; Deft Replies due by 8/3/2007. Government Responses due by 7/17/2007.. ENDORSEMENT...Application Granted. Government time to respond extended to July 17, 2007. Deft's time to reply extended to August 3, 2007. SO ORDERED. (Signed by Judge John G. Koeltl on 6/12/07)(jw) (Entered: 06/13/2007)
07/05/2007		MOTION to Vacate under 28 U.S.C. 2255. Document filed by Guillermo Mateo. (lag) Civil case 1:07-cv-6054 opened. (Entered: 07/05/2007)
07/11/2007	29	AFFIDAVIT of Joyce C. London in Opposition as to Guillermo Mateo re: MOTION to Vacate under 28 U.S.C. 2255. (London, Joyce) (Entered: 07/11/2007)
07/11/2007	30	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - MOTION to Vacate under 28 U.S.C. 2255 (Government's Opposition to Defendant's Motion(MEMORANDUM OF LAW IN OPPOSITION TO MOTION TO VACATE) Document filed by USA as to Guillermo Mateo. (Honig, Elie) Modified on 7/12/2007 (KA). (Entered: 07/11/2007)
07/12/2007		NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney Elie Honig as to Guillermo Mateo: to RE-FILE Document 30 MOTION to Vacate under 28 U.S.C. 2255 (Government's Opposition to Defendant's Motion). Use the document type Memorandum of Law in Opposition of Motion found under the document list Replies, Opposition and Supporting Document. (KA) (Entered: 07/12/2007)
07/12/2007	31	MEMORANDUM in Opposition by USA as to Guillermo Mateo re MOTION to Vacate under 28 U.S.C. 2255. (Attachments: # 1 Plea Agreement)(Honig, Elie) (Entered: 07/12/2007)
07/23/2007	32	MOTION for Extension of Time to Respond to Government's Answer to Movant's 2255 Motion. Document filed by Guillermo Mateo. (ja) (Entered: 07/26/2007)
07/25/2007	33	ORDER as to Guillermo Mateo. The deft has moved for an additional 30 days to submit a reply on his motion pursuant to 28 U.S.C. Section 2255. The deft's time to reply is extended until 8/24/07. (Signed by Judge John G. Koeltl on 7/24/07); refer to 07-cv-6054(JGK) also. (bw) (Entered: 07/26/2007)
07/25/2007	34	ORDER as to Guillermo Mateo. The deft's time to Reply on his motion pursuant to 28 USC 2255 is extended to 8/24/2007. (Signed by Judge John G. Koeltl on 7/24/2007)(jar) (Entered: 07/26/2007)
08/13/2007	35	Movant's Answer to Government's Reply to his Section 2255 Motion. Document filed by Guillermo Mateo. (bw) (Entered: 08/20/2007)
08/29/2007	36	ORDER as to Guillermo Mateo. The Petitioner's motion to appoint counsel is denied without prejudice to renewal for failure to make the required showing at this time. (Signed by Judge John G. Koeltl on 8/28/2007) (jar) (Entered: 08/29/2007)
10/11/2007	37	ORDER as to Guillermo Mateo. The Court has appointed counsel for the petitioner in view of the determination of the Court to hold an evidentiary hearing. The appointment of counsel for the petitioner is for all purposes in connection with the pending motion. See Fed. R. Governing Sec 2255 Cases 8(c); Daryl Graham v. Leonard Portuondo, et al., No. 04-1315-PR, 2007 WL 2850293 (2d Cir. Oct. 3, 2007). The Court will provide any additional time that counsel needs to prepare. See Fed. R. Governing Sec. 2255 Cases 8(c). SO ORDERED. (Signed by Judge John G. Koeltl on 10/11/07)(ja) (Entered: 10/12/2007)
10/15/2007		Payment of Fine from Guillermo Mateo in the amount of \$25.00. Date Received: 10/15/07. (mn) (Entered: 10/15/2007)
10/18/2007	38	ENDORSED LETTER as to Guillermo Mateo addressed to Judge Koeltl from AUSA Elie Honig dated 10/9/07 re: submitted to request that the 10/10/07 2:00 p.m. hearing be adjourned until 10/16/07 at 2:30 p.m. ENDORSEMENT: Application Granted. (Signed by Judge John G. Koeltl on 10/9/07)(bw) (Entered: 10/19/2007)
11/07/2007	39	TRANSCRIPT of Proceedings as to Guillermo Mateo held on 10/16/07 before Judge John G. Koeltl. (db) (Entered: 11/07/2007)
01/07/2008	40	OPINION AND ORDER dismissing 26 Motion to Amend/Correct as to Guillermo Mateo (1); The court has considered all of the petitioner's arguments. To the extent not specifically addressed above, they are either moot or without merit. The petitioner's motion's are therefore DENIED. Because the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a COA pursuant to 28:2253(c). The clerk is directed to enter a judgment dismissing the petition and denying the motion to amend the pre-sentence report and close the cases, 04cr1229 & 07cv6054 (JGK). So ordered. (Signed by Judge John G. Koeltl on 12/7/07) (pr) Modified on 1/8/2008 (pr). (Entered: 01/08/2008)
01/08/2008		CLERK'S JUDGMENT in favor of USA against Guillermo Mateo that the petition is denied as is the issuance of a certificate of appealability. (Signed by J Michael Mc Mahon, Clerk on 1/8/08). (Orig. doc. filed in case no. 07cv6054, doc. #5) (ae) (Entered: 01/11/2008)
01/11/2008	41	TRANSCRIPT of Proceedings as to Guillermo Mateo held on 10/16/07 before Judge John G. Koeltl. (bw) (Entered: 01/11/2008)
01/18/2008	42	ORDER as to Guillermo Mateo. It is hereby ordered that Thomas F.X. Dunn, Esq. is hereby appointed as counsel for the defendant/petitioner Guillermo Mateo for all purposes. The appointment shall be nunc pro tunc as of October 3, 2007. So Ordered (Signed by Judge John G. Koeltl on 1/16/08)(pr) (Entered: 01/22/2008)
01/18/2008		Attorney update in case as to Guillermo Mateo. Attorney Thomas Francis Dunn for and added.. (pr) (Entered: 01/22/2008)
03/03/2008	43	TRANSCRIPT of Proceedings as to Guillermo Mateo held on 10/3/07 @ 11:10AM before Judge John G. Koeltl. (pr) (Entered: 03/03/2008)
03/03/2008	44	NOTICE OF APPEAL by Guillermo Mateo from the 1/8/08 Civil Judgment. Copies mailed to attorney(s) of record: A.U.S.A. (tp) (Entered: 03/07/2008)
03/03/2008		Appeal Remark as to Guillermo Mateo re: 44 Notice of Appeal - Final Judgment. CJA GRANTED 10/3/07. COA DENIED 12/7/07. (tp) (Entered: 03/07/2008)
03/05/2008		MEMORANDUM TO THE DOCKET CLERK: as to Guillermo Mateo, # 53183-054, Moshannon Valley Correctional Facility, 555 Cornell Drive, Philipsburg, PA 16866 (jni) (Entered: 03/05/2008)

03/07/2008

Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Guillermo Mateo to US Court of Appeals re: 44 Notice of Appeal - Final Judgment. (tp) (Entered: 03/07/2008)

2255, APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-06054-JGK
Internal Use Only

Guillermo Mateo 1 v. USA
Assigned to: Judge John G. Koeltl
Related Case: 1:04-cr-01229-JGK-1
Cause: 28:2255 Motion to Vacate / Correct Illegal Sentence

Date Filed: 06/26/2007
Date Terminated: 01/08/2008
Jury Demand: None
Nature of Suit: 510 Prisoner: Vacate Sentence
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
06/26/2007	1	MOTION to Vacate, Set Aside or Correct Sentence (28 U.S.C. 2255). NO FURTHER ENTRIES. PLEASE SEE CRIMINAL CASE: 04-cr-1229. Document filed by Guillermo Mateo.(laq) (Entered: 07/05/2007)
06/26/2007	2	MEMORANDUM OF LAW in Support re: 1 Motion to Vacate/Set Aside/Correct Sentence (2255). Document filed by Guillermo Mateo. (laq) (Entered: 07/05/2007)
06/26/2007		Magistrate Judge Douglas F. Eaton is so designated. (laq) (Entered: 07/05/2007)
07/25/2007		ORDER as to Guillermo Mateo. The deft has moved for an additional 30 days to submit a reply on his motion pursuant to 28 U.S.C. Section 2255. The deft's time to reply is extended until 8/24/07. (Signed by Judge John G. Koeltl on 7/24/07) [*** Note: Original document filed as doc.#33 in 04-cr-1229(JGK) ***] (b6w) (Entered: 07/26/2007)
08/27/2007	3	MOTION to Appoint Counsel. MOTION for Leave to Proceed in forma pauperis. Document filed by Guillermo Mateo.(jar) (Entered: 08/30/2007)
10/03/2007	7	CJA 20: Appointment of Attorney Thomas Francis Dunn for Guillermo Mateo. (Signed by Judge John G. Koeltl on 1/29/08) CJA Office has mailed the original and sent a copy to the file.(sac) (Entered: 02/05/2008)
01/07/2008	4	OPINION AND ORDER finding as moot 3 The court has considered all of the petitioner's arguments. To the extent not specifically addressed above, they are either moot or without merit. The petitioner's motion's are therefore DENIED. Because the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a COA purs to 28:2253(c). The clerk is directed to enter a judgment dismissing the petition and denying the motion to amend the pre-sentence report and close the cases, 04cr1229 & 07cv6054 (JGK). So ordered. (Related to 04cr1229). (Signed by Judge John G. Koeltl on 12/7/07) (pr) Modified on 1/8/2008 (pr). (Entered: 01/08/2008)
01/08/2008	5	CLERK'S JUDGMENT in favor of USA against Guillermo Mateo that the petition is denied as is the issuance of a certificate of appealability. (Signed by J Michael Mc Mahon, Clerk on 1/8/08) (jf) (Entered: 01/08/2008)
01/18/2008	6	ORDER It is hereby ordered that Thomas F X. Dunn, Esq. is hereby appointed as counsel for the defendant/petitioner Guillermo Mateo for all purposes. The appointment shall be nunc pro tunc as of October 3, 2007. So Ordered.(related to 04cr1229) (Signed by Judge John G. Koeltl on 1/16/08) (pr) (Entered: 01/22/2008)
03/03/2008		NOTICE OF APPEAL from 5 Clerk's Judgment. Document filed by Guillermo Mateo. Copies mailed to attorney(s) of record: A.U.S.A. (ORIGINAL DOCUMENT ENTERED IN CRIMINAL CASE #04cr1229, DOC. #44.) (tp) (Entered: 03/07/2008)
03/03/2008		Appeal Remark as to Notice of Appeal filed by Guillermo Mateo. CJA GRANTED 10/3/07. COA DENIED 12/7/07. (tp) (Entered: 03/07/2008)
03/05/2008		PRO SE MEMORANDUM dated 2/15/2008 re: CHANGE OF ADDRESS for Guillermo Mateo. New Address: # 53183-054, Moshannon Valley Correctional Facility, 555 I Cornell Drive, Philipsburg, PA, 16866. (jmi) (Entered: 03/05/2008)
03/07/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: Notice of Appeal. (tp) (Entered: 03/07/2008)
03/07/2008		Transmission of Notice of Appeal to the District Judge re: Notice of Appeal. (tp) (Entered: 03/07/2008)